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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/019,702

12/27/2001

David Lahiri Bhatooolaul

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08/16/2006

Lucent Technologies Inc  
Docket Administrator Room 3C 512  
600 Mountain Avenue  
PO Box 636  
Murray Hill, NJ 07974-0636

EXAMINER

ELALLAM, AHMED

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/019,702

Applicant(s)

BHATOOLAUL ET AL.

Examiner

AHMED ELALLAM

Art Unit

2616

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

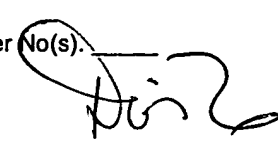
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 112 1<sup>st</sup> rejections.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 6,9 and 15.  
Claim(s) rejected: 1,2,5,7,8,10,11 and 14.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See continuation.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

Continuation:

Applicants' argument after the final rejection is fully considered. However, the argument is not persuasive for the reason indicated below.

Applicants argue that *"Miya does not disclose the inclusion of data symbols in addition to pilot symbols. The "other-cell" signal refers to in the passages quoted is a signal received from a cell other than the one via which the mobile station is communicating. For example, see Column 6, lines 3-9, where many other cell" may use the same spread code and transmit a pilot channel having a different phase. The provision of such "other-cell" information would be of use in a network in determining if a mobile should change to communicate with an adjacent cell to obtain a stronger signal. Thus, the "other cell" has a pilot channel associated with it, in the same manner that the pilot channel of the cell under particular consideration has a pilot channel. Neither of such pilot channels is disclosed to carry data other than pilot information, for the reasons set forth in Applicants' previous response."* Emphasis added.

In response Examiner reiterates the argument presented in the final office action in which Examiner had stated that "the claimed **data symbols** being carried on the **common control channel** are interpreted based on the specification to mean "information about neighboring cells" as indicated on page 8, last paragraph

On page 8, last paragraph it is indicated that

**"The BCH is used to provide cell-specific information, such as the cell identity and the available short and long codes for random access channel RACH transmission; information about neighbouring cells can also be provided."**

Therefore, other-cell signal level information of Miya can be regarded as the claimed data symbols as in claim 1 to mean "cell specific information" when interpreted in light of the specification, It follows that, given Miya teaching of having other-cell signal level information carried in the pilot control channel 101, such information reads on this claimed data symbols.

As to Applicants argument that the "other-cell" information is pilot information that is different from the data symbols is not persuasive. Examiner notes that even if "other-cell" information of Miya is a pilot information as Applicants assert, it can be regarded as "data symbols", given the fact that the claim doesn't specify any distinction between the pilots and the data symbols, and what the data symbols are used for in the claimed invention as a whole.

As to claims 7 and 10, these claims have the same scope of claim 1, thus they are subject to similar argument as that of claim 1.

Examiner believes, given the broadest reasonable interpretation of the claim limitations, the final rejection is proper.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571) 272-3097. The examiner can normally be reached on 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.E  
Examiner  
Art Unit 2616  
8/9/06